

A-1

February 5, 2019

The Honorable Lewis A. Kaplan
United States District Court for the
Southern District of New York
Room 1940
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

My name is Rachel Gatto and I have been married to Jim Gatto for 20 years. I met Jim when I was 19 years old while we were both attending Elmira College. I was a captain on the women's basketball team. Jim played for the men's team and the teams would practice right after each other. I could tell that Jim was well liked and respected by his teammates. We would get together and play some pick-up games on campus in the off season just for fun.

Jim graduated from Elmira College in 1992 and moved to Atlanta for work. I graduated in 1993 and joined him in Atlanta. In 1995 Jim moved to Portland, OR to work in the corporate office at adidas, we got engaged and got married in June of 1998. I had no doubt that Jim was the perfect man for me and I wanted to spend the rest of my life with him.

During our preparation for marriage we took Pre-Cana classes which is a course for couples preparing to be married in a Catholic Church. The priest wanted us to start out by telling him about our upbringing. Jim went first and talked about growing up in the same house his entire life with his parents, sister and brother. He talked about the great example his parents set for a wonderful, loving and kind marriage. He talked about all his childhood friends that he is still great friends with to this day. Well, when it was my turn, I just started crying and could barely talk. To hear Jim talk about his family and friends overwhelmed me. I grew up in a divorced family and moved every 2-3 years. I could hear in Jim's voice the love he has for family and friends. At that moment I knew that Jim was going to be an amazing husband and father.

Jim is kind, funny, gentle and respectful. On our wedding day, Jim knew I would be too nervous to eat so he made me sandwiches and snacks to have in our limo so I would eat after the ceremony. I had no idea that he did this kind gesture until months after our wedding when his mother told what Jim had done for me, I thought she made the sandwiches. This is an example of how thoughtful and kind Jim is, thinking about others. He is a great husband.

When I was growing up I wasn't sure that I wanted to have children. When Jim and I were taking the Pre-Cana classes, I had no doubt in my mind that I wanted to have children with

Jim. He is so patient and unselfish and he gave me the confidence to believe I could be a great mother. During my pregnancies Jim would be at every doctor's appointment with me and would always stop traveling for work about a month before each of my due dates to make sure he didn't miss the births. We have two wonderful children, Jack (17) and Grace (14).

Jim traveled a lot with work but always made sure to get home for their games or school activities or help with any homework if needed. Jim is a hands on dad. He is a great cook. He does all the grocery shopping. He likes to go to the local grocery store and Costco and wander the aisles. He gets so excited when he finds something new at the store for us to try. He helps with the day to day household chores. He likes to vacuum and Swiffer. He always makes sure the kid's uniforms are clean for their next game. He carools with our neighbors for Sunday school. This year with both kids in high school, we split the Back to School Night. I went to Jack's classes and he went to Grace's classes. You don't usually see a lot of dads on that night but Jim was happy to go and took notes in each of her classes. He hates to miss anything.

Grace has a group of friends, boys and girls that she does a lot with. Jim is always asking Grace who she is hanging out with and where. He asks if a parent is home when they go to someone's house. I remember one time we took some girls to the movies and they were meeting a group of boys and we waited to see what boys showed up and we watched them all go into the movies together. Jim just wants to make sure that Grace is safe and making the right decisions.

It will be so hard on all of us if Jim is taken away and I have to raise the kids by myself. Jim is a big integral part of our everyday lives.

When Jack reached middle school, Jim helped coach his basketball team with two other dads from our community. Jack's team won the State Title in the 6th grade and Jim was so proud of all the boys. He really invested time into each and every one on the team. The boys and their parents loved Jim, he brought out the best in the kids and made the experience so positive for the boys.

Jim and I have worked very hard to provide for our children. Jim has been an employee with adidas for 25 years. When we moved to Portland we had no family there. adidas became Jim's second family. Immediately he felt like he was part of the group. Over the years he has made life-long friendships. In the early years I remember he would come home so excited about all the cool stuff that adidas was planning to do. He was so excited to be a part of a great team. Jim worked so hard and believed in everything that adidas represented. In these times, it's very rare for someone to be a loyal employee for 25 years like Jim.

This September, I will be with Ann Taylor as a sales associate for 20 years. We started saving for college for the kids as soon as Jack was born. Jim and I both have told the kids how important it is to have a strong work ethic. I believe the prosecution said that Jim acted out of greed. Jim doesn't have a greedy bone in his body. We have both worked very hard to save money for our kid's college education. We don't live an extravagant lifestyle. We have taught our kids to appreciate what we have and to not be envious of what others might have.

Judge Kaplan, I am asking you, as a mother, to please think of my children, Jack and Grace, as you decide Jim's sentence. Jack and Grace mean everything to me and they are innocent children. Yet, I fear that they will be the ones who will really bear the brunt of any punishment that is imposed on Jim. You see, they are still in the formative years of their lives and what happens to them in these years will have an effect on who they grow up to be. They both need their father. As much as I would try, I cannot be both mom and dad to them. Grace is so close to Jim. It makes me very emotional to think about how she would handle life without her dad and she needs her father to be there as she starts to navigate the world of dating, and boys, and how she should be treated by the opposite sex.

Likewise, my son Jack pretends that he's all grown up and tough, but really he is not. He has always been at Jim's side, ever since he was a little boy, and I hate the idea that he would go off to college next year and have to explain to everyone that his father is in a prison. Moreover, I know how protective Jack is over his little sister, and I know that if Jim is in prison, Jack will not be able to just be a normal kid and enjoy college. He will worry incessantly about me and Grace and how we are holding up. I don't want him to feel that way; he is such a good kid and he deserves to be happy and get to enjoy growing up, not feeling as though he needs to be the "man" of the house.

Since the trial, all the kids and I can think about is how the happiest moments in our lives--Christmas, birthdays, summer trips to the beach--will become the saddest times if Jim is put in prison and taken away from us. We try to remain calm and I tell them (and myself) to be strong but it is not easy. It's very hard for me to watch my kids go through this terrible ordeal. For that reason, I am asking you to think of Grace and Jack--not Jim--when you make your decision and for their sake, I am asking you to please impose a sentence of probation. It would mean everything to my family.

I appreciate you taking the time to read this letter.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Gatto". The ink is dark and the handwriting is fluid.

Rachel Gatto

A-2

Dear Judge Kaplan,

My name is Grace Gatto, I am 14 years old and a freshman in high school, and my dad is Jim Gatto. I love my dad with all my heart. This whole situation has been very hard on our family the past year and a half. I understand you have to do your job and sentence my dad in March. I plead to you not to send my dad to prison.

My dad is the backbone of our family and has always provided me with love, life lessons and encouragement. During his years working for adidas he showed me what hard work is all about and always told me if you work hard, dream big you can accomplish anything. Even though my dad traveled a lot for work he always made sure to get home to see me play in a sporting event or participate in school activity like a play or chorus. I will always remember when I broke my wrist in a basketball game my dad ran on the court, he just knew it was bad, and picked me up, gave me a huge hug and at that moment I knew everything would be ok because he was there.

As I am starting my high school career I need my dad. I don't want him to miss my basketball or soccer games, I don't want him to miss my prom, I don't want him to miss my graduation. I am scared he is going to miss a huge part of my life and I need him in my life on a daily basis. I also have a heart condition called Wolff Parkinson White Syndrome and knowing my dad is home by my side, keeping me safe, makes me feel that everything is ok.

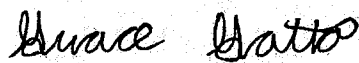
My dad and I have this thing, instead of saying I love you, which we do a lot, we say MORE, we actually stole it from a TV show. It is our thing together. He will just text me sometimes with the word MORE.

You always hear about the connection between a father and daughter, being a little princess in your dad's eyes, well it's real and I don't want that to be interrupted.

My dad is a great person, a friend to many and a wonderful father.

Thank you for taking the time to read my letter.

Grace Gatto

A handwritten signature in black ink that reads "Grace Gatto". The script is cursive and fluid, with the first name "Grace" and last name "Gatto" clearly distinguishable.

A-3

Dear Judge Kaplan,

My name is Jack Gatto and my dad is Jim Gatto. I am 17 years old and a senior in high school. My dad is an amazing father and I love him very much.

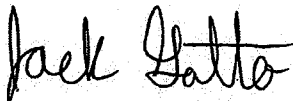
My dad introduced me to basketball at an early age and both my parents, who played basketball in college, taught me how to dribble, pass and shoot but the most important thing I learned from my dad was being a good teammate. My parents signed me up for a basketball league starting in kindergarten and my dad would always be at games on Saturdays cheering me on. As I got older, he coached my middle school teams. We won a state title in 6th grade and he was so excited, I remember him jumping up and down on the sidelines but most important to me was when he told me how proud he was of me.

My dad traveled a lot for his job. I know it killed him to be away from the family but he would have my mom call or text him with updates during games. He would even Skype or Facetime with us any chance he could. I knew it was part of his job to travel so I understood why he couldn't be at every game or school activity but it was still hard and I missed him.

My dad has shown me what it means to have a strong work ethic. Academics are very important to him and he pushed me every day, which was difficult at times but I understand now why he did it. With my parents guidance and the work I put in at school I have gained admission to 9 Colleges/Universities. He has taught me to be respectful and put forth my best effort with anything I do. I have been on trips with my dad and he has introduced me to so many people. They all have said the same thing to me. They all have told me what a great person my dad is and how I should be proud to be his son. I am very proud to call him my dad.

I graduate in June this year and will be off to college in the fall. I want my dad to be with me and drop me off as I start the next journey in my life. I am going to be so worried about my mom and my sister if my dad is not home with them. My sister, Grace, is in high school and she really needs both parents home with her. I am pleading with you not to send my dad to prison. Please give him a sentence of probation. Thank you for taking the time to read my letter.

Sincerely,

A handwritten signature in black ink that reads "Jack Gatto". The signature is written in a cursive, slightly slanted style.

Jack Gatto

A-4

November 30, 2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I hope when you read this letter regarding our son James Gardner Gatto, it will give you some insight into our family.

I was born on November 29, 1939, in Brooklyn, New York, the fourth child of immigrant Italian parents, Donato and Grace (Grande) Gatto. My siblings are Michael born in 1929, Esther born in 1930, and Mamie in 1933.

My father arrived in Brooklyn from Bari, Italy, in 1916 at the age of 15 with his brother and was processed at Ellis Island. He worked as a laborer and sent money to help his parents in Italy. My father eventually started his own coal and oil business. He went back to Italy and got married in 1928 and returned to Brooklyn, New York, where they raised a family until they both died in September 1970, 15 days apart. My mother was a homemaker her whole life.

Growing up in my earlier years our family took only one vacation, to Niagara Falls but went clamming on the beaches in Smithtown during the summer. I graduated from Lafayette High School, where I made the baseball team, the game I love.

I was the first of my siblings to attend college. I attended the University of Tampa where I played baseball and received a degree in Physical Education in 1963. This is where I met my future wife Barbara, who graduated in 1964 with a degree in Business Education. During college I worked odd jobs and during one summer worked as an orderly at Maimonides Hospital. We were married on November 28, 1964, and moved to Brooklyn, New York, where I was already teaching at Mater Christi High School (Astoria, NY) which later became St. John's Prep. I worked there for 46 years -- teaching, coaching Varsity baseball and Varsity basketball, and was Department Chairperson for 20 years. During the summers for five years I was a counselor at day camps (including driving a bus, picking up and taking the kids home). I also worked at Shea Stadium part time for 30 years.

During this time our children were born -- Danielle, Jimmy, and Peter -- and we moved to Lynbrook on Long Island. Growing up Jimmy was an easy-going kid. He loved sports, did well in school, and was always a protector to his younger brother and big sister. Jimmy and I spent a lot of time having baseball catches and playing wiffle ball. As he got older, I would help him with the fundamentals of basketball.

Jimmy, as well as his brother and sister, had weekly chores (no allowance). Jimmy also was interested in cooking.

I worked basketball camps during the summer, and Jimmy in his teen years helped work the camps -- washing the players' uniforms, mopping gym floors, keeping stats, and working the scorer's table. He enjoyed working with his father and the kids at the camp.

Jimmy graduated from Elmira College in 1992 with a degree in Marketing. He played basketball for four years and was Captain for two years. He met his future wife, Rachel, at Elmira and they were married in 1998. Jimmy worked summers to make money to take back to college for expenses. After graduation Jimmy went to Atlanta, GA, where he worked as an intern for a USBL semi-pro basketball league.

Jimmy and Rachel moved to Oregon where they started a family. Jack is now 17 and a senior in high school and Grace is 14 and a freshmen. They are a very close knit family, especially since there is no immediate family there for support. Even though Jimmy traveled a lot, he was always there for school and sporting events. He was also an assistant coach on Jack's and Grace's basketball rec teams. Family summer vacations were mostly spent at our cottage on Lake Michigan with aunts, uncles, cousins, and grandparents.

Jimmy is a very decent and giving person. Many years ago my varsity high school basketball team had a Christmas Tournament at Elmira High School. Since the weather was unusually cold, Jimmy gave winter jackets to my whole team. His generosity was incredible. His life was always about helping people, especially to the Morty Frank Foundation to raise money for college scholarships at Lynbrook High School. According to classmates, friends, neighbors, business associates, and family, they say Jimmy is a good person with a generous heart, always giving of himself to help others.

This past year has been especially hard for Rachel and the children, but their love and strength has never changed for each other. You never know what a crisis can cause in a family -- for them, they are even closer. The Guidance Counselors at Jack's and Grace's high school are aware of their father's situation and are there to support them when needed. Jack is graduating in June 2019 and is planning to go away to college and would feel better if his father were at home with Rachel and Grace while she finishes high school.

Our family as a whole has had to come to grips with Jimmy's situation. I am so proud of him as a son, husband, and father. Sadness produces endurance, endurance produces character, and character produces "HOPE". Judge Kaplan, I hope and pray that you show compassion and give my son probation. Thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "James C. Gatto".

James C. Gatto

A-5

November 24, 2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I am writing this letter on behalf of our son, James Gardner Gatto (who I will refer to as Jimmy throughout this letter).

I was born in Detroit, Michigan, on October 19, 1942, to Harold Hewitson Gardner and Mary Louise (Mackin) Gardner, the second of three daughters, Joanne being born in 1940 and Liz in 1952. My father was born in Blackpool, England, and my mother in Manistee, Michigan. When I was 5 we moved to Pleasant Ridge, Michigan, a suburb of Detroit. My father was an architect (went to Penn State), and my mother graduated with a degree as a Physical Education teacher (went to Michigan State).

We were raised Catholic and went to Catholic school from grades 1 through 12. My sisters and I had a wonderful and easy-going childhood growing up. My parents were married 52 years before they passed away in 1990 & 1991.

I went to the University of Tampa in 1960 and graduated with a degree in Business Education in 1964. While at the University, I worked for the History Department for 4 years and typed term papers to make extra money. I met my husband Jim at the University, and he received a degree in Physical Education in 1963. We were married on November 28, 1964, and will be celebrating our 54th anniversary this year. For our 50th anniversary we took our children and grandchildren (15 of us) to Woodloch Pines for 5 days. We renewed our wedding vows, and we all will cherish that time together as a family.

We lived in Brooklyn after getting married; Jim was teaching and coaching at Mater Christi High School in Astoria, Queens (which later became St. John's Prep). Jim retired after 46 years at the same school. He also worked at Shea Stadium part time for 30 years. I could not find a teaching position in the middle of the year, so I worked as a secretary on Wall Street. In 1967 our daughter Danielle was born, and in 1970 Jimmy was born. After our daughter was born, I became a stay-at-home mom and loved it. We moved to Lynbrook, New York (on Long Island) in 1971, and in 1972 our second son (third child) Peter was born. Jimmy and Peter shared a room until Jimmy went to college.

We lived in a great neighborhood, and we still do! There were 20+ kids around the same age, and for the most part they all got along. Jimmy loved being outdoors, playing sports, riding his "Big Wheels". He was a great "Big Brother" to Peter, and Danielle was the "Big Sister" to them both. Even now they

are all very close, even though Jimmy has lived on the West Coast for over 20 years. They call one another often. All our children graduated from college, and when Peter started we had all three in college that one year. Financially, it was hard, but when we look back on that time, we wonder how we did it ... but we did. The kids all worked summer jobs during their vacations.

Jimmy was always the peace maker not the trouble maker. He loved soccer, basketball, and baseball; and was serious enough to make himself a better player, but not angry if he lost. He played CYO soccer and basketball and rec baseball until middle school. Then he made the school teams and played through his senior year in high school. He went to Elmira College in New York where he played basketball. He chose Elmira, a Division III school, because he wanted to play during his college career, not sit on the bench at a Division I or II school. That showed us as parents how mature he had become. He was determined to finish college in four years taking summer school classes while working. I was a stay-at-home mom but taught typing in adult ed for three years. In 1980, I went to work full time. Money was tight, and our vacations with the kids during the summers were spent at my parents' cottage on Lake Michigan where my sisters and their families also visited. It is still a family vacation destination to this day. We now have seven grandchildren ranging in age from 21 to 7 years and they all love it there.

Jimmy met his wife Rachel at Elmira College. The day they married in June 1998, before leaving for the church, I found Jimmy in the kitchen in his tux making small sandwiches and snacks for Rachel to give to her in the limo after the ceremony. This is representative of the little things he has done for friends and family throughout his life.

When their son Jack was born, Jimmy took to fatherhood immediately, albeit a bit cautiously at first (they had no family in Portland to help after the first month). The same level of attention was there for his daughter Grace. Jimmy is very close to Jack and Grace, always attending their sporting events if he wasn't traveling at the time, taking them to practice, etc. We always traveled to Jimmy's for Easter, as it was the only time my husband Jim had vacation time from school. We spent a lot of time with Jack and Grace when they were younger going on outings to the zoo, visiting other family friendly attractions, and participating in Easter egg hunts in their neighborhood. Then, as they got older, baseball and basketball games were the activities of choice for Jack and gymnastics, baseball, and soccer for Grace. Jimmy has always been a hands-on father, from diaper changing to the present teenage years.

Jimmy has always loved cooking and does a lot of it. I know Rachel loves that. He also does a lot of the grocery shopping and helping around the house. (A handyman he is not, but little by little he is learning -- when you own a home, you have no choice.)

One of Jimmy's best friends, Morty Frank, was killed on 9/11 in New York City. Morty's family started a scholarship fund at Lynbrook High School in his name, and Jimmy was a big part of it.

When Jimmy was arrested on September 26, 2017, he had found out a week before that Grace was diagnosed with Wolff-Parkinson-White (WPW) Syndrome which is an extra electrical pathway between the heart's upper and lower chambers. These two incidents rocked us to our core. Grace had surgery in January 2018, and everything should be fine now.

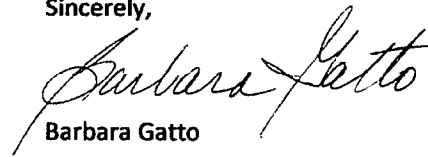
At this time I would request your consideration in giving Jimmy a sentence of probation so that his family can start to move forward. The teenage years, especially in today's world, are tough, but with two parents at home it can be easier. This past year has been especially hard for Rachel, Jack and Grace. Jack will be graduating from high school in June 2019. As he anticipates going away to college, the family dynamic at home will weigh heavily on him if his Dad isn't there.

You can judge a person's character by the way they handle themselves in a crisis. For Jimmy that crisis has been this past year, including the trial and its verdict. As parents, we are so proud of him.

The repercussions of that knock on Jimmy's door at 5:30 a.m. on September 26, 2017, will last a lifetime.

Thank you, Judge Kaplan, for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Gatto". The signature is written in black ink and is positioned above the printed name.

Barbara Gatto

116 Stuart Street

Lynbrook, NY 11563

A-6

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I have known Jimmy all his life of 48 years, I am his older sister Danielle and proud to call him my brother. Our family life growing up during the '70s and '80s was everything you read about it. Times were different, we mostly had each other and the neighborhood kids to play with. We had the freedom to ride our bikes around the neighborhood. We played together in the fields and played basketball in our driveway, we rode our bikes to the local candy store to get gum. We had block parties in the neighborhood every July 4th. There were little league games and dance recitals, homework, and chores. We had dinner every night together as a family when our activities allowed. Our mother at that time was a homemaker, she later went back to work in our pre-teen years. Our father was a physical education teacher and coach he also worked a second job during the summers at Shea Stadium for the NYC parks department. We spent most of our summers at home running through the sprinkler, or sometimes mom would take us to the beach. We almost always went to visit our cousins in Northern Virginia for Easter break and spent two weeks in the summer at our grandparent's cottage on Lake Michigan. Our childhood was simple and we loved it. We had the love and security of our parents and enjoyed our friends and neighbors. Jimmy, Peter and I fought like typical siblings but respected and cherished our sibling bond. Even today as we have our own family life, and distance keeps us apart, we still are very close and talk to each other on the phone weekly.

I am the oldest so I am the protector of both my brothers but in actuality Jimmy was my protector and by my side without me even realizing it. Our parents Barbara and Jim instilled the importance of how special family and love is. Family and friends always came first, and for Jimmy, this was always most significant. He never disappointed anyone including me, he was always there when I needed him. He was there supporting me even during his most stressful and troubling time, his trial. My daughter Julia had gone through something traumatizing during her first few weeks of college and I was so worried about her. It was Jimmy that I spoke to first and told him about Julia's situation. He was only caring and thoughtful and supportive. He never said or expressed to me that he couldn't deal with me because of what he was going through. Jimmy never told me he couldn't talk, he listened and helped me when I needed him.

What most people don't know about Jimmy is that he has a special place in his heart for my son Rhett who was born with a developmental disorder called Dyspraxia. Learning is difficult for Rhett and he has been in special needs and therapy programs since he was 2 yrs old, he is now 15yrs old. When our families are together, Jimmy always includes Rhett in conversation, he always encourages him, Jimmy always goes out of his way to make sure Rhett is OK. Just last summer at our parent's cottage we all went to play tennis. Grandpa, Jack, Grace, Rachel, Julia, Rich, myself and Jimmy. Rhett came as well to watch, he does not enjoy playing sports. But it was Jimmy who encouraged him to play, he grabs a racket and Jimmy stood on the other side of the tennis court hitting balls to him. Jimmy was so positive and made Rhett believe he could do it. Rhett finally hit the ball over the net and we all cheered. This is who my brother is....a thoughtful, kind person who puts others needs before himself. As we worry about my son and his future, Jimmy has assured me he would always take care of Rhett. Knowing that if something happened to my husband and me, Jimmy and Rachel would provide Rhett with the love and support he needs is monumental. It gives us peace of mind.

I could go on with stories of Jimmy's kindness, and his tender soul..... how he cried hysterically when I left for college, or the time he reached out to my friend's nephew he never met to advise and help with a job. Jimmy is a wonderful father, husband, brother, son, uncle, and friend! It is unfortunate the jury did not get to hear all the good my brother has done and the many people he has helped throughout his lifetime.

This letter does not begin to show the love we have for him and what Jimmy means to all of us. I know how much Jimmy means to Rhett and that cannot even compare to how much Jim's children, Grace and Jack, need and love their father. I know that whatever happens, Jimmy is strong and he will persevere. But, I really worry about Grace and Jack, who are young and enduring such a traumatic event - seeing their father in a prison cell will have a lasting impact on their future lives. I worry about their emotional and mental health. I worry about Rachel, my sister-in-law who is a wonderful mother but I agonize about her having to raise these kids alone.

This past year and a half have already been unbearably hard and I cannot help but feel that this is a family that has been punished enough already. It is hard for me to believe that society will be better off with my brother in prison—it seems to me that the only real consequence of a prison sentence will be to potentially ruin childhoods of two wonderful kids. I think about how Grace, who is only 14 and sensitive, as girls are at that age, and how she would handle Christmas without her father there. I think about their

relationship, their father-daughter bond that Jim and Grace possess and how important it is to Grace. I think how Jimmy's influence has shaped her self-esteem and confidence. I find myself overwhelmed with heartache because I don't believe Grace should have to endure that kind of torment at her age.

The truth is, I know my brother better than almost anyone and I know what a big and generous heart he has. Whatever "punishment" is needed, I can assure you it has already been administered through the incessant and sensationalized news coverage, the destruction of my brother's 25-year career, and the anguish of knowing that his children are likely forever changed by this experience. For these reasons, I am asking you, from the bottom of my heart, to consider probation as an appropriate sentence for Jimmy. I can assure you, of all the defendants you have likely seen in your career, he is different and deserves leniency.

I respectfully ask you and the court to consider probation for Jim Gatto.

Respectfully,

A handwritten signature in cursive script that reads "Danielle Burton". The signature is fluid and written in black ink.

Danielle Burton

A-7

The Honorable Lewis A. Kaplan

United States District Judge

Southern District of New York

500 Pearl Street

New York, NY 10007

Dear Judge Kaplan,

Your Honor, I am writing to you on behalf of my brother James Gatto, whom you will be sentencing on March 5, 2019, in hopes that you will have a better understanding of the man that Jimmy has been throughout his life.

It would be remiss of me and impossible to speak of Jimmy without including the rest of my family, because for as long as I can remember it was always the five of us together. We grew up in Lynbrook Long Island, my parents moved from Brooklyn when Jimmy was two believing that the suburbs would provide their kids with better opportunities. In order to secure those opportunities and to provide the loving stability of a home, my mother Barbara stayed at home to raise us and began to work as we got older. My father Jim worked as a Teacher, coach and at Shea Stadium to give us the life he thought we needed and deserved. I didn't understand it then, as a child, why my Dad wasn't always around, why he missed the school plays and the ball games. I didn't understand until I had my own family that he worked three separate jobs so that he could make sure we were taken care of in every way possible. It was during these earlier years that the brotherhood between Jimmy and I, and our relationship with our sister Danielle became defined.

My parents gave us what they could, when they could, but no matter what we had or didn't have in our lives I always had my brother and sister. The bond of brotherhood has many peaks and valleys and my relationship with Jimmy was no different. He was simultaneously my greatest annoyance and my greatest hero. Jimmy, I think realized he needed to play the Dad role at times and was very hard on me. I didn't realize then by making me struggle and earn a victory in monopoly, or a game of one-on-one he was preparing me for real life. He taught me to shave, throw a curve ball and would eat my broccoli for me when I refused to clean my plate.

He always was and has been there for me when I needed him. He visited me in college when I considered dropping out, he flew across the country after Super Storm Sandy to help my family and I after we lost our house, there are countless acts of kindness and generosity to myself and others. As important as the man that Jimmy is, I think it's as important for you to know the man that Jimmy isn't.

Your Honor, I could attest to Jimmy's character all day but in the end it's his heart I know best. We grew up being taught to help others, and that's what Jimmy did for me growing up, I guess that's why my sister works as a Teacher in a preschool and I have been an Adaptive Physical Education Teacher for 20 years, specializing in students with Autism. In Jimmy's heart I know he wasn't trying to hurt anyone because we just weren't brought up that way and Jimmy has never demonstrated that type of behavior.

Your Honor, I am humbly requesting that you consider how helpful Jimmy has been to myself, my family and others when you decide his sentencing. I ask you this not as a brother but as an Uncle and

Brother-in-law. My niece Grace, nephew Jack and Sister-in-Law Rachel are my brother's entire world. His family as well as our extended family has had to endure the past year and a half and there have been repercussions and consequences placed on many of us due to his arrest and trial. I am extremely proud of Jimmy and my family in how we all have dealt with this situation. Jack and Grace are at pivotal times in their lives. Jack will be attending college in the fall and Grace continues with high school while dealing with a heart ailment. I couldn't imagine a more important time for their father to be present in their lives.

Your Honor, Jimmy is greatly needed by his family as much as he needs them. My hope is that this letter has provided some more insight into who Jimmy is as a son, brother, friend, husband, father and as a man.

Thank you for your time and consideration in regard to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Gatto", with a long horizontal flourish extending to the right.

Peter Gatto

A-8

11/20/18

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I have known Jimmy since we were eight years old when I joined the Our Lady of Peace basketball team in the CYO league. As the only Jewish kid on the team it was a little awkward for me initially and it was Jimmy who made me feel comfortable and became my first friend. While the rest of us were loud, obnoxious, and overly aggressive kids, Jimmy was the calm, kind, and nice one.

As our group of friends and teammates grew up together and eventually all joined together at Lynbrook High School on Long Island, nothing really changed. We were all typical loud, reckless, "know it all" teenagers, except for Jimmy. He was the kind, respectful, nice one in our group. We always had a strong connection as our dads were both teachers and coaches. We maintained that strong connection when he attended Elmira where he played basketball and I attended the University of Pennsylvania where I played lacrosse. On our holiday breaks at home we both understood and appreciated the challenges of balancing college academics and athletics.

Our close group of friends all spread out across the country like most do after college. I kept up with Jimmy as he started at the "bottom" and worked hard to build his career. We stayed in close contact over the years despite living on opposite sides of the country.

When our close friend Morty Frank was killed on September 11th we established a memorial scholarship in his honor that we award to graduating Lynbrook High School seniors to help offset their college costs. Morty's parents and friends hold a golf outing each year to remember him, celebrate his life, and raise money for the fund. Jimmy was beyond kind and generous to his family. He supplied shirts and bags every year and he was able to get Adidas to make a generous donation which was announced at the college Final Four basketball tournament the following year in 2002. Jimmy invited our group of friends to attend and it became an annual tradition for all of Morty's close friends. I wish you and the jury could have seen Jimmy during those weekends. The way he beamed with pride talking about the Adidas sponsored teams participating, the way he interacted with their coaches, players, and families. If you had, you would know he cared deeply about them and would never intentionally try to hurt them.

I was able to attend the first day of his trial as the school I work at was closed for a holiday. I was able to spend some time with him in the evenings and we spent one of the weekend's together back in Lynbrook and attended a high school football game. We picked up lunch at the local deli like we did in high school and then both fell asleep on the couch at my parents house. I tried to comfort him and provide relief with a "normal"

day, but it was far from normal. It was tremendously painful for me to see the stress and worry that was consuming him. I had dinner with his wife Rachel and children Jack and Grace the night before the verdict came in. It was tough to see these good, kind people suffer. I can't imagine what they are now going through now that he has been convicted of crimes.

Jimmy's career is over, his family is traumatized, and they are all terrified about what the future will look like. As you consider what the appropriate sentence is for him I beg you to do it with compassion and mercy. Jimmy deserves it.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Candel". The signature is fluid and cursive, with the first name "Matthew" and last name "Candel" clearly distinguishable.

Matthew Candel

A-9

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

As a high school educator for the past fifteen years, I have seen the positive and negative effects of students based upon their family support. Without question, students who have the support of their parents both academically and socially, have a much higher chance of success in the classroom and everyday life. Taking a father involved in his children's everyday lives out of the home would be detrimental to his family's lives. Because of this, I ask that you impose a term of probation for Jim Gatto.

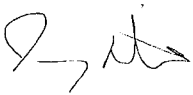
I initially met Jim and his wife Rachel through a mutual friend, yet developed a relationship as their son Jack began to play youth sports. Jack was on a team that I trained and coached over the years. While Jim's job was very time demanding, he always made time to come watch Jack play his games. He was very supportive of what we were teaching and of his son's own development. Jim was never an overbearing parent. He understood the importance of letting Jack learn and grow on his own, yet he provided love, support, and guidance along the way. A few years later, his daughter Grace joined our program and I saw nothing but support from Jim.

Jack and Grace are both in very important stages of their lives. Jack is currently a senior in high school and heading off to college next fall. Grace is a freshman in high school and beginning an important stage both academically and socially. These are the critical times that they need to have the support of both their parents. They will both be facing life long challenges as they continue to navigate high school and college. Jack and Grace will need to lean on their father for the love, support, and guidance that only a father can provide.

In my line of work as an educator, I see so many parents not involved in their children's life. It is heartbreaking! They have no one that loves and supports what they do. Jim is the opposite of this. I have seen his children come home and immediately wrap their arms around him. I have seen Jim show up and support his friend's children at their events. I have seen him support his community through volunteer work. Jim is the epitome of the type of father I want for all my students.

I urge you to think about Jim's family during this time. They need him now more than ever as they enter these critical stages of their lives!

Respectfully,



Jeremy Nesbitt

A-10

December 2018

To Whom It May Concern:

I have known Jim Gatto for approximately 8 years and have a tremendous amount of respect for who he is and how he has positively impacted many in our community. Regarding the current situation and upcoming sentencing, I am one of many who pray and hope there is leniency, and now, I am requesting sincere consideration for a minimum sentence.

For a few years, Jim and I volunteered in coaching youth sports together. In all interactions with players, parents, officials, and others, I've appreciated how Jim displayed his care for others and commitment to their experiences. He was genuine and sincere. In working with young players, he made sure they had fun, learned to take on challenges, and to be great teammates. He enjoyed and celebrated achievements and accomplishments of each kid, without sacrificing perspective. His focus was on the development of young kids into being better people. Jim was exemplary in how he modeled qualities we want to see in our own kids.

It has been visible to all, that Jim's priority is his family, and being a dedicated and effective dad for his son, Jack and daughter Grace, and loving husband to his wife Rachel. There will probably be more letters shared that consistently emphasize how Jim values friendships, takes an interest in others, and does not hesitate to help if or when there is a need. Because of this, Jim is a respected member of our community.

Jim has been a person of integrity, and I believe he still is. Whatever mistakes or actions by Jim, that have been deemed otherwise, it has not changed by opinion on this. Jim will work through it and come out determined to make it better.

Again, I am asking for the lightest sentence the system can mete out, because of Jim's lifetime work and commitment to his family, to our community, and to many others.

Sincerely,



Dennis Burke
Associate Principal; Athletic & Activities Director
Wilsonville High School

A-11

The Honorable Lewis A. Kaplan
United States District Judge Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

My name is Lisa Hawley-Love and I'm a fifth grade teacher at Boeckman Creek Primary School in Wilsonville, OR. I have had the pleasure of knowing the Gatto family since 2004 when my family moved to the same neighborhood in Wilsonville. Early on our families became friends. The Gattos are family oriented, faith driven people. Jim is a person I like and respect. Over the years I have watched Jim as an example of a loving husband to his wife Rachel and exceptional father to his children, Jack and Grace.

During the 2009/10 school year I had Jim's son Jack, in my fourth grade classroom. That year I partnered with Jim in helping Jack succeed. He is a extraordinary parent who supports his children in academics and extracurricular endeavors. When Jack needed a push he received it. When Jack needed confidence building, he received it. Jim and Rachel have a reputation at the elementary school I teach at as being exemplary and supportive parents. One of my teacher colleagues speaks of appreciation and gratitude for Jim and Rachel. This colleague was bullied by a group of parents during the first year of her teaching career. Jim and Rachel chose to stand by her and spoke up in her defense. That teacher is a well respected and admired member of our teaching community today. Additionally, Jim has been an active volunteer over the years donating time in coaching and community events.

I am writing to ask for leniency; sentencing Jim to a term of probation. His family needs him. Jack and Grace will continue to thrive with their dad at home. I've known Jack and Grace since they were preschoolers. They are great kids and it is no accident; having *two* loving, supportive and active parents. As a teacher I know how important it is to instill the values of kindness, hard work, and grit, characteristics that the Gatto children possess. Please consider my request and allow Jim to finish the job of raising his children at home.

Thank you for your consideration,

A handwritten signature in black ink that reads "Lisa Hawley-Love". The signature is written in a cursive, flowing style with a large initial "L".

Lisa Hawley-Love

A-12

December 1, 2018

Matt & Nancy Overholt
28370 SW McGraw Ave.
Wilsonville, OR 97070

Judge Kaplan,

We are friends of Jim and Rachel Gatto. We met when our boys were in kindergarten together. Their son Jack and our son Nate are now seniors.

We are writing to you because we understand you will be sentencing Jim in a few months.

When considering the sentence we think it's very important that you know what Jim means to us and our community.

Over the years Jim has mentored and coached Nate on many local community school basketball teams. Nate learned valuable life lessons from Jim. He has been a positive role model. You will not find any parent who has a negative thing to say about Jim Gatto. He was a true mentor and taught our kids values through sports to make them better young men and successful citizens.

Jim leads by example. He has been a loving and supportive husband and his kids are positive role models to their friends and other high school students. This is a family that is loved by the community.

The Gatto family has suffered immensely over the past year. We are sick at the thought of Jim being separated from Rachel, Jack and Grace. We are sick at the thought of his absence from this community that cares deeply about him and his family.

Judge, we ask you, please, that Jim be spared from spending time in the penitentiary but rather serve by way of probation.

Sincerely,

Matt and Nancy Overholt

Matt and Nancy Overholt

A-13

January 1, 2019

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

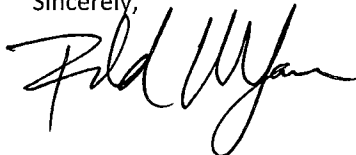
My name is Ronald Lam. Jim Gatto and I have been friends and neighbors for 14 years now, our families having moved into the same new housing development around the same time. My three kids go to school together with his kids, Grace and Jack, and Jim often volunteered or donated to support our local schools and youth sports leagues. His familiar refrain was always, "It's for the kids.", and he would actively encourage other parents to help out or donate to children's causes. As the league treasurer, I run a fundraising poker tournament for Wilsonville Little League, and a couple of years ago, after Jim offered to participate, he actively sought out several of our neighbors and friends to participate as well, knowing that the funds were going to support the children in our league. Thanks in part to his efforts, we were able to convince enough friends and neighbors to play – through a combination of humor and good-natured shaming – that we far exceeded our goal of 60 players and ended up with 88.

Jim and his wife Rachel have a very loving and mutually respectful relationship. We often saw that on display at neighborhood barbeques and other get-togethers. They treated each other as such equals, that Jim would frequently bring Rachel along to many of our neighborhood guys poker nights. Nobody ever minded because of how genuinely pleasant it was to be around them and how funny they were with each other and everyone else at the table. Jim is also one of the best fathers that I know. He volunteers for his kids' sports teams and school whenever he can, and does everything he can within his power, including driving 6 hours one-way for Grace and Jack's basketball tournaments.

All of the aforementioned brings me to my request: I would humbly ask of Your Honor to grant leniency in your sentencing of Jim, in the form of probation. I know this has been a very trying time for both Jim and his family; his reputation is in tatters, and his family is made to feel like social pariahs. As much as he tries to put on a brave face, I can see the stress is taking a toll on him and his family. I cannot stand the thought of Rachel, Jack and Grace suffering any further, if their beloved husband and father is taken away from them. Jack and Grace deserve to have a loving father there to support them until they are ready to stand on their own. They are wonderful, polite, well-adjusted kids that will grow up to be productive members of society, but I honestly fear that any prolonged absence of their father will turn them onto a different path. If Your Honor would please keep these important considerations in mind as you render your decision, it would be very much appreciated.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald W. Lam". The signature is fluid and cursive, with the first name "Ronald" being more prominent and the last name "Lam" following in a similar style.

Ronald W. Lam

A-14

19 November 2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

Thank you for any consideration you are able to give to this letter of reference for Jim Gatto. Jim, Rachel and their kids have been friends of our family for at least the past 10 years or so, as they live in our town of Wilsonville and our boys have grown up together along with a whole bunch of other neighborhood kids more or less the same age.

I don't pretend to know anything about Jim's trial. I of course know Jim worked for Adidas, but that was not what defined Jim for me. That was more of a side note. The Jim I know is a humble and caring family man, an active and generous community member, and a good friend.

A few everyday examples come to mind that I think might illustrate the type of person Jim has been in our community. I remember when our boys were youngsters and in middle school, Jim volunteered to help coach their youth community basketball team. He devoted time to the team, and he had a knack for connecting with every kid. It did not matter if you were the best and most talented basketball athlete on the team, or the boy with the longest way to go in the sport. He cared about the experience every kid had, and he invested energy in each boy. He had nicknames for every one of the boys, and Jim's passion and care for each kid was obvious. We felt so lucky that Jim was willing to commit that time to the boys and the team.

The next thing that pops into my head is just seeing Jim at Friday night football games at Wilsonville High School over the years. Just like so many families, Jim and Rachel would

attend the games, and their kids, Jack and Grace, would run around the stadium with all the other kids their age from town. I can hear him now, "Coach!" he would burst out enthusiastically, a shout-out to the fact I am coach at WHS. Every time I would hear that voice and the warmth with which he would say it, I knew exactly who it was and that a great conversation was up next. Almost without fail, we would then visit on this or that, catch up on our families, and I would leave smiling, happy to have bumped into my friend with the big smile and caring heart.

About a year ago now, Jim called and asked to visit with me. I was happy to do so. At the time, Jim's son Jack had decided to not continue playing basketball in our program. The decision was a tough one for Jack, and I'm sure for Jim, too, given Jim's robust love of the game. As you might imagine, I was not sure what to expect going into our meeting. During this visit, Jim was totally classy. Rather than lobbying for something or angling for this or that or blaming something or someone for Jack's changing circumstances in our basketball program, he took that opportunity to thank me. He also asked if Jack had a change of heart anytime over the next few months if he could turn back out for basketball. I said, "Absolutely." I left thinking to myself what a quality guy Jim was. He handled everything to do with that somewhat challenging development admirably.

The part of that meeting that did not surprise me was the fact his love for his son Jack was so evident. I have known Jim to be nothing but a thoroughly dedicated husband to Rachel and father to Jack and Grace. He loves them all dearly. He has been an exemplary role model in terms of being a strong family man. During our annual pilgrimages to Spokane for Hoopfest (a big 3-on-3 basketball event), Jim would often be just "one of the parents," enjoying the trip and supporting the kids. His children reflect their parents' tremendous involvement in their lives; they are polite, smart, amazing young people with gobs of life potential. If you knew these kids, Judge Kaplan, you would appreciate that Rachel and Jim *have to be* good people. These kids are a credit to everybody around them... but most obviously to Jim and Rachel. I am sure the situation Jim is facing now is crushing to them all; and for Jim not just on the obvious personal level, but perhaps even more importantly on the familial level. If Jim is absent from their lives for any period of time, it will be devastating for all of them.

Jim has been found guilty of the counts presented in your courtroom. All of that is way beyond anything I know and beyond anything about which I should comment. You know what you are doing on that front.

My hope, your Honor, is that within whatever the law allows or leeway you have, you might consider the life Jim Gatto has led away from his professional career at Adidas when you consider sentencing. Moreover, I truly hope you will find a sentence of probation sufficient in Jim's case. I am guessing some of those that come before you have long histories of being detriments to society. I am sure some of these individuals are sociopaths of some sort or another. More than likely, many represent a real, present, and ongoing danger to the community. The punitive and corrective measure of a prison sentence is probably needed in a great many of those instances.

Jim is not that guy in any way, shape, or form. Jim has been a truly great husband, father, and community member. Jim is caring, kind, and productive. I don't pretend to know more than you about sentencing standards, but in my humble layperson's opinion, the corrective measure of prison would not serve Jim, his family, nor (maybe most importantly?) society well.

Not matter what you decide I thank you in advance for your consideration of this letter, Judge Kaplan. I also deeply appreciate your service to the community. I wish you many blessings in what has to be a challenging and tough career. The world is surely better off thanks to your courageous leadership in what has to be a difficult job.

If I can help in any additional way, please feel free to call me anytime.

Sincerely,

A handwritten signature in black ink that reads "Chris Roche". The signature is written in a cursive, flowing style with a long horizontal flourish extending to the right.

Chris Roche

c: 503-750-1500

A-15

December 8, 2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

In 1993, I met an individual who not only became my closest co-worker, but also developed into a sincere and trusted friend. A person who offered support both professionally and personally. A man who always displayed a sincere interest and care for others' personal life as much, if not more, than their work life.

I worked with Jim Gatto very closely for a majority of my 25 years at adidas. During the two and a half decades together, I observed a committed and loyal employee, friend, husband, father, son, and brother. I had the opportunity to spend time with Jim in numerous settings, both in and out of the work place, and with every scenario I always felt enriched being in his company.

From a work standpoint, Jim is as dedicated a person I have ever worked with, but it was never just about hitting a sales number or gaining market share. Growing up, Jim was surrounded by basketball and it was apparent in the passion he brought to his job. He loved the world of basketball not for what it offered him, but for the opportunity it allowed him to genuinely support others. To support those people, still involved in the sport, who paved the way and provided guidance for him. To support those people trying to grow the game further. To support those people introducing the sport to the next generation. Jim relished the opportunity for small gestures like donating polos for one of his former coach's summer camps or supplying uniforms to a past friend running a youth program.

Through Jim's dedication to the game he loves, he taught me the value of loyalty to friends, both past and present. The gratitude and thankfulness you share with those people who have impacted you. Jim has never forgotten where he came from, the sport he grew up with, and the individuals who made it possible.

Commitment to family (wife Rachel, son Jack, and daughter Grace) is a trait I truly appreciate and admire in my friend, Jim. Whether it was coaching Jack's youth basketball team, cheering on Grace at her lacrosse game, or a family vacation, his priorities were always clear. He reminded me of the importance of a healthy work-life balance and to always make time for your family even when the schedule is not the most convenient. One time after spending a weeklong business trip in Germany, rather than fly home to Portland, Oregon, Jim flew directly

to Spokane, Washington, to watch his son play in a basketball tournament. He later told me he was exhausted, but it was well worth every minute to see Jack play.

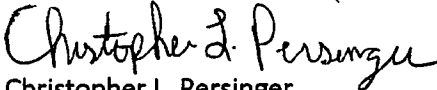
While I have had several co-workers, I now consider friends, no one has been as sincere or as genuine as Jim. Whether it was hospital visits when both my children were born, a weekend phone call to check the results of my son's football game or a holiday text message to wish my family well, his friendship is always consistent. He quickly became a friend first and co-worker second. Never was Jim's friendship more valuable or impactful than during my divorce.

Divorce is an emotional time and often friendship is the one thing able to carry you through the process. During this time, Jim's friendship was at its greatest. Consistent texts and phone calls to see how I was doing, hours spent in his office chatting about my situation, insisting I work from home when needed, and taking me to lunch just get me out of the office, all served as a means of personal survival. During adverse times you learn a lot about yourself and the character of those around you. At my lowest point, Jim's character revealed itself to be greater than I could have imagined. He was a rock of support during very unstable times. A true friend until the end.

I have known Jim Gatto personally and professionally for over half my life. I have witnessed him to be an individual of extremely high character truly committed and loyal to his family, friends, and career.

Thank you for your time.

Sincerely yours,


Christopher L. Persinger

A-16

The Honorable Lewis A. Kaplan
United States District Judge Southern District of New York
500 Pearl Street New York, NY 10007

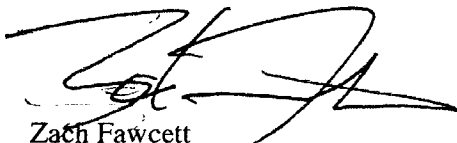
Dear Judge Kaplan,

I would like to write to you today about my friend Jim Gatto. My name is Zach Fawcett and I have known and worked with Jim for almost 18 years. From watching his son Jack grow up to being around when Grace, his daughter was born. A loving husband and faithful father, I have witnessed for myself the family man that Jim is. Jim has ALWAYS put family first and once he gets to know you will treat you as family as well. Nothing to me can speak greater volumes of this than when my son Antonio was born on June 29th 2006. What was supposed to be a normal birth, was everything but. Both mother and son almost died that day and Jim Gatto was right there with me to cry with me, pray with me, support me and tell me that he loved me and my wife Jean. Words can't describe Jim's loyalty, character and integrity, only actions. Nothing in the world could have meant more to me than that. He was there to support me and most importantly SHOW me that he loved me and my family. I will never in my life forget that. Words are great but actions mean everything. He could have just called me or sent a note. Instead he showed up. He was there, he was present and was ready to help in any way that he could.

I can remember another time at work when a co-worker was attacking me and trying to undermine me. Jim was there to stand up for me, fight for me and voice his support for me to all parties involved. Never have I witnessed in 17 years working with Jim to be self-serving. The complete opposite of that probably to a fault! Jim was ALWAYS looking out for every single person other than himself. Jim has a HUGE heart and was always helping others.

I would like to ask that Jim would receive probation and not incarceration. Jim is an amazing father and husband and I can't even begin to think on the negative effects sending Jim to prison would cause on his family. With all the negativity going on in our country, we need more people, fathers, husbands like Jim Gatto to be there for his family and his friends. Jim is a positive influence on his community and would have a greater impact serving the people around him than being incarcerated.

Thank you and God Bless,

A handwritten signature in black ink, appearing to be 'Zach Fawcett', written over a horizontal line.

Zach Fawcett

A-17

Bryan Rector
11/19
Wilsonville, OR

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

Who I am and my relationship to Jim Gatto and his family

I am a sophomore at Wilsonville High School in Oregon and I attend school with Jim's two kids. My family and I have known the Gatto family for 15 years, which is the entirety of my life. The reason we are as close to their family as we are is because they moved into our neighborhood a few months after us and we have been neighbors since. I think of us as family because of how much we have done together and how much we all have gone through.

Personal detailing of our relationship

Jim and I have always been very close because I have spent so much time with his kids and he has seen me grow up. Our relationship was always strong but it elevated to another level in 2012. In May of that year my parents separated, I was 9, and to cope with these struggles I searched for another role model since it was apparent that my father would not be as involved in my everyday life anymore. Many people in our tight knit community offered support but Jim was the one I became closest to. He was an integral part in the healing process. He was a great role model because of how he conducted himself as the most responsible and caring person in the world. The way he cares for his family and other families is something special. I have the utmost confidence that he would do and give anything for the betterment of the people close to him. Through watching him do the right thing again and again I have improved myself and my admiration for him and his accomplishments has grown exponentially.

His importance to our community

He also has an integral role in our community. He avidly supports our school and events that his kids and friends of theirs participate in. He has coached youth sports and helped with community events for years. The simple fact is, nothing about this town would be the same if he was not with us on a daily basis.

The pain that his family has felt and will continue to feel

Jim is a family man. He has a wife and two kids and family across the country. This very large supporting cast has been rocked by these events and if he was to go to prison somewhere I do not even want to imagine the pain they would endure. While this legal process has been underway the Gatto family has tried to go about life as they would and has done an okay job. I would argue that the only reason they have come to terms with this reality is because he is still there. As I am sure you are aware, the concern is that their lives would change in such an unbearable way if their husband and dad was not present. Additionally, speaking as someone

Bryan Rector
11/19
Wilsonville, OR

who has gone through the process of having a father removed from a household, I can say that breaking a family apart is one of the most feared things in life. Nothing good ever comes of it. Potentially the worst part about this whole situation is the juncture in their lives at which this is happening. His son is a senior and he has his biggest decisions ahead of him. His daughter is a freshman who in the same scenario. If they were to go through the next years without having access to their father, that would be spirit crushing.

In my humble opinion, it would be morally right to take into account not only the law, which I understand is your job, but to take into account the morality of such fate in association with such a person as James Gatto. This decision, scheduled to come in March would change a lot of lives. Too many count as a matter of fact. Lastly, I can tell you one thing for a fact. Any person who has ever known Jim and been close with him would be willing to do anything to assist him. To me, that does not sound like someone who should spend time in prison. I urge you sir to do anything in your power to help this blow be a little less heavy.

Thank you so very much for your time and consideration. Best wishes,
Bryan A Rector

A-18

November 21, 2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan -

I am writing to you today on behalf of James Gatto. The Gatto Family and I have been very good neighbor friends for over 15 years. My son is good friends with their children, our dogs were even best buds. Rachel, Jim's wife & I are very good friends. I too am from the east coast (New Jersey) originally, so we have a bit of a kindred spirit with our pasts and upbringings.

The Gatto Family are a very integral part of my life. I am a single mom, my family lives in Arizona, and although I have been in Oregon over 25 years now - with many, many dear friends, I consider the Gatto's my "Oregon" family. Jim & Rachel, both, are my "go to" people in my times of need and emergencies. Whether it's giving rides to my son for various things, or taking care of my dog, or jumping in to help in medical crisis, they are immediately willing to help me with anything - and that is so very important to my sense of security.

The first of many examples of Jim's strong sense of parental protection came last January. I 'had', (until just recently), a large dog that had developed grand mal cluster seizures, and it is a very frightening event when a 150lb dog is in full seizure episode. It was a school holiday, and I was at work. I got a frantic call from my son that the dog had gone into seizures and he didn't know what to do. I said I would be home asap, and I got ready to leave work. By the time I got home, about an hour later, I found Jim at my house with my son, and dog - who was in a stagnant state. My son's first reaction had been to run across the street to get Jim - who he knew was home. Jim immediately came to my house with Bryan and stayed with him till I could get there. He then left, but said to me -- "you call me if you need me again for anything - and let me know how he is". Within an hour I had to rush my dog to the ER Vet, and so I contacted Jim & Rachel and said 'please take Bryan in - I had to go'. They, of course, did - until I could return home. Later that night, my son said to me "Mom, I am so glad that Jim was home today and helped me - I was really scared". Of course, I felt the same way.

On this similar subject - just 2 months ago - I had to put that same dog to sleep for the same seizure reason. We were all, my family & the Gattos - very involved with my amazing dog for the 3 years I had him. This death happened on the first day of Jim's trial in October. My son had posted something about it on social media, and within minutes of that - the very first people to contact me with incredible concern and deepest condolences, were both Jim & Rachel -

individually - from New York. I was so touched by this complete selflessness --- in the midst of one their most horrible life events - they felt it necessary to reach out to me and console me. My first reaction was 'oh my gosh, you are just starting a trial for your life - yet you are concerned about me, and my dog'. I have relayed that story to a couple of people who are also friends of the Gatto's in our community - and they have all had the same immediate reaction... "That just certainly shows you the character of this person - he is so caring of others - in the midst of his own turmoil". We were all genuinely moved.

And even as recent as this week - I have had a horrific experience with the discovery of a loved one having a large cancerous brain tumor, his surgery, hospitalization, etc. And again - despite their own personal difficulties, they have been my 'go to' family to rely on. Jim has been caring and concerned for me, and my loved one - offering me any sort of support I need - from rides for my son, running to the food store for me, to Thanksgiving dinner for us.

Of course I could go on with other examples over 15 years of Jim's caring of his own family, of others, of the kids he has befriended, of anyone in need. His continual support of our community, his dedication to their faith (Jim once 'took one for the team...of parents', as a few years ago his son was making his confirmation and parent volunteers were needed to chaperone their retreat at a monastery - no one would come forward - but Jim did, he canceled his work trips, rearranged his schedule, and took on the weekend. We all said "wow - way to be Jim....& thanks!!")

I know that Jim was raised in an amazing, faith filled, family environment. I know his parents - and the type of wonderful, kind, religious, moralistic people they are. His family is very close. Jim is a big part of our local community. There has been an abundance of outpouring of love and support for the family since this ordeal began for him. Since I am so close to them, not only proximity, but in friendship - I am asked all the time, by everyone - How are they? Are they doing ok? What can we do? We are all praying for them.....Everyone always loves Jim. He is one of the best people I know...and I am personally very thankful for the Gatto's every day.

I can only pray, for all of us involved, that in this dire situation, you can reach deep within your heart and conscience - and see that this good man, great citizen, wonderful dad, adoring husband, does not deserve -- in any way -- a harsh penalty. I plead with you to consider his lifetime of goodness when deciding his fate.....and the fate of his family.

With most respect,
Kris Rector

A-19

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I'm writing you today as a friend and former colleague of Jim Gatto. I've known Jim for nearly a decade and had the pleasure of working for him during the early part of my career at adidas. Like many, I considered myself lucky to know Jim, not just at the office but outside of work on a more human level. He became a mentor to me and someone that I looked up to as an example of what it means to be a good person and a loving husband and father.

There are countless stories and examples that speak to the character of Jim Gatto but for this purpose of this letter I would like to focus on how he's set the example for me of what a father and husband should be.

As a husband and new parent, I've quickly gained an even greater appreciation and understanding of the role that a mother and father play in shaping a healthy life for their children. Over the years my wife and I have grown close with the Gattos and we've watched Jack and Grace grow from young children into teenagers.

As I reflect on the many examples that Jim has provided to me as both a professional mentor and an example of a devoted father a few examples come to mind. He taught me the importance of working hard, remaining humble and never losing sight of your reason for being. After 20 years in the workforce he wouldn't think twice around rolling up his sleeves and helping an intern pack boxes of shoes for hours, so they could be shipped out in time for the NBA start of season. Why would he do this, why would someone at his professional level with his experience do the work of the intern? It was just the type of guy Jim Gatto was. It didn't matter who you were or what you could do or not do for him Jim believed in treating people, regardless of title, gender or prestige with the same respect and genuine decency as the next person.

As hard as Jim worked and as often as he traveled he never lost sight of the reason why, his family. In today's professional climate it often times feels nearly impossible to be successful in the work force while also being a good family man. The constant work/life balancing act is so easily tilted towards work. I always admired the importance Jim put on his relationship with his children, making sure that he rarely missed a game, school conference, first communion or recital for Jack and Grace. Over the years he's been a coach for Grace and Jack's basketball teams. Each summer he would take a group of kids up to Spokane Washington for the annual Hoopfest to compete.

27135540.1

Whatever decisions he may have made in his professional life, his personal life is centered on his children who love and adore him in a way that all fathers hope for, to separate them from Jim would punish them for in a way that they don't deserve. I ask that you please consider imposing probation rather than prison for his sentence. Justice will not be served by incarcerating Jim Gatto.

Sincerely,

Alex Zerzan

A-20



Tod Monaghan, LMSW
SVP, Development
Covenant House International
5 Penn Plaza
New York, NY 10001
(212) 727 4000
www.covenanthouse.org

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Washington
York

January 3, 2019

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: James "Jim" Gatto

Dear Judge Kaplan:

This letter is respectfully submitted as an appeal for leniency for James "Jim" Gatto as he appears before your Court for sentencing in connection with his conviction of wire fraud and conspiracy to commit wire fraud. The undersigned has known Jim for over seven years, having met him through his volunteer work at Covenant House's youth shelter in NYC. I have had the pleasure of assisting Jim with his volunteer work with homeless & trafficked teenagers and young adults.

On numerous occasions Jim has expressed remorse for his involvement in this matter, he deeply regrets his selfish and reckless actions, he is aware of the unfair situation that he created. He understands the gravity of his wrongdoing and is committed to proving this matter an aberration of an otherwise law-abiding life.

As a licensed social worker, the undersigned serves as a senior executive at Covenant House's Crisis Shelter on the west side of Manhattan, where we provide food, clothing, shelter and counseling to over 3,000 homeless & trafficked boys and girls, including 500 single mothers and 550 of their children, at our facility each year. Most of our kids have been raised in poverty, they have been forced to cope with difficult circumstances in their lives, including child abuse, domestic violence & human trafficking.

Jim is one of our most spirited leaders, he has a gentle way about him that the kids in the shelter respond well to, he provides a listening ear and is always able to motivate them. His Sense of humor helps them smile in the face of adversity. Working with homeless youth is a field marked by significant pain and suffering, I am grateful to have a volunteer like Jim because he consistently helps us lift damaged spirits.

It is my hope that you might consider a non-custodial resolution in this matter that enables Jim to begin to regain the good standing in the community that he earned in advance of this unfortunate incident.

Should you require amplification upon the foregoing, please do not hesitate to contact me.

Sincerely,


Tod Monaghan, LMSW

tmonaghan@covenanthouse.org
(917) 291-2060

A-21

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl District
New York, NY 10007
December 12, 2018

Dear Judge Kaplan,

My name is Ryan Napoli. I am 18 years old and a first-year student at Oregon State University in Corvallis, Oregon. I moved to Wilsonville when I was 3 years old, so I have known the Gatto family as long as I can remember. I'm writing to you on Jim Gatto's behalf.

Jim volunteered to help at my all night graduation party last year. He went to many of my basketball games last year to support my team as well as give me tips on how to improve my game. I respect his advice because he played college basketball. He was a volunteer at my confirmation retreat for our church when I went through the confirmation process. We often get together with the Gatto family for dinners and holidays. I can honestly say that Jim is one of the most genuine, kind hearted people I know, with a great sense of humor. He is someone that I look up to and trust to this day. He is the definition of a family man. He always wants what's best for his family and the people around him before caring for himself.

I'm worried for Jim's future as the thought of him going to jail is very scary. I'm friends with his son Jack. We are only one year apart, and I know how much Jack looks up to his dad. To have him not be there for his kids, and wife will be very hard for them all. I hope you consider probation for him instead. I appreciate your time.

Sincerely,

Ryan Napoli

A handwritten signature in cursive script that reads "Ryan Napoli". The signature is written in dark ink and is positioned below the typed name.

A-22

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

December 3, 2018

Dear Judge Kaplan,

My name is Lynn Napoli. I am the Library Media Specialist at St. Clare School in Portland, Oregon where I have been teaching for the past 25 years. I am married and have three sons ranging from ages 16 to 25. Our family has lived in Wilsonville, Oregon for the past 15 years. For 13 of those 15 years we lived in the same neighborhood as the Gatto family and now after moving a few miles away, we continue to be close friends with Jim, Rachel, Jack and Grace. I am writing this letter on Jim Gatto's behalf.

Jim is well respected in our town. He is a loving husband, a great dad, and a good friend to have. He has always been a positive influence within our community. He has coached multiple teams, volunteered at school events, attended numerous neighborhood celebrations, and has always been very involved in all his children's activities. We became good friends as we have many things in common. Our kids enjoy the same sports. We attend the same church and our children have gone through many years of Sunday School classes together. We have enjoyed spending holidays together where Jim cooks his mother's recipe for Chicken Parmesan which is my boys' favorite. Jim is the type of guy who is always positive. He is quiet yet funny and has a gentle personality. I have always found him to be genuine and kind.

This past year has been an incredibly difficult one for the Gatto family. It has been a time of great stress and hardship, yet through it all I have witnessed a lot of love. Jim has been there for Grace as she was diagnosed with a heart condition which involved a surgical procedure. He has been there to help Jack focus on his future as his high school graduation draws near. Last year he came to support our kids during their football and basketball seasons and our son Ryan as he graduated from high school. Even during the trial he was checking in with our family about how our son Ryan was doing as he left home to start college. He is always thinking about others and putting them before himself. Rachel and Jim have a strong marriage and bond and anyone who spends time with them can see that.

I am asking that you consider imposing a term of probation rather than a prison sentence for Jim. I feel like a person with a lifetime of great service to his community is not someone who deserves to be incarcerated. I can't imagine how difficult it will be for Rachel, Jack, and Grace to not have Jim's presence in their life. It weighs on my heart and mind.

Please do not hesitate to call me if you have any questions.

Sincerely,

Lynn Napoli



503-939-3578

A-23

November 20, 2018

The Honorable Lewis A. Kaplan
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I am writing on behalf of James Gatto whom I have known for 12 years. His children Jack and Grace are the same ages as my children in our small city of Wilsonville. I first met Jim and his wife Rachel when my son Sam played on a basketball team with Jack. Jim assisted in the coaching that season and coached many more teams on which my son played. Jim is someone in whom I place complete trust for my child's well-being.

Jim has shown compassion, care and intention while coaching and leading our boys into young men. Jim encouraged Sam to be the bigger person, to try even when things weren't going his way, and to always believe in himself. Jim often sacrificed his days off in order to give our sons an opportunity to compete. One particular weekend saw him driving to Eastern Oregon, in unexpected ice and snow, with a car filled with boys. As a mom I am prone to worry; having Jim Gatto in charge put me at ease. I trust him. His care has always been for the well-being of his family, friends and the youth in our community.

My husband sustained a traumatic brain injury from a fall several years ago. During his recovery Jim checked in. The Gatto family expressed kindness and support during this very difficult time for our family. Showing support and care are consistent and constant behaviors I have seen in Jim over the years. Even now as he and his family face difficult times, he is at his kids' and his former players' activities and sporting events whenever he can attend, including the high school football playoff game last Saturday. Jim is an important member of the "village" of Wilsonville in which we raise our children. I ask that you please consider his importance to his family. Please consider the good he has done and will continue to do for our community. I ask that you allow him probation so that his family will remain intact.

Thank you for your time and consideration of the support Jim Gatto has given to my family and to our community.

Sincerely,

Jodie Westing
10904 SW Roland Ct.
Wilsonville, OR 97070

A-24

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

The Honorable Lewis A Kaplan,

I'm happy to write a letter on behalf of Jim and Rachel Gatto. I went to school with both of them at Elmira College. Rachel was my college roommate and Jim was a good friend even before he and Rachel began dating.

Elmira College is a small private institution of less than 1,000 students. Everyone knew each other on a first name basis. The likelihood of sharing a class with almost every student on campus over the course of four years was quite high. You learned a lot about one another and the campus culture lent itself to developing life-long friendships. I'm very fortunate to say that our close group of friends, including Jim and Rachel, continue to stay in touch since we graduated 25 years ago.

Jim was friends with a lot of different groups on campus because he has such a likable personality. His genuine good nature made everybody feel like a somebody. His smile and laughter (so goofy) could lighten any situation and often became contagious. He always treated everyone with respect and was always respectful himself.

Jim and Rachel have both been very involved with their children's lives and in their community. They're a loving, compassionate family who wouldn't hesitate to help a friend in need. Jim has always been a devoted husband, a loving father, and very dedicated and generous in his profession. I can tell you prior to the events at issue in this case that Jim enjoyed an unblemished reputation.

From a professional perspective as a former Division I Senior Woman Administrator and Compliance Director, I recognize the need to change the landscape in college athletics. However, Jim's sentencing is not the solution. His actions did not have any malicious intent nor did he expect any personal gains from his actions. He lost his career, his income and his reputation. Please allow me to offer my heartfelt plea for leniency in his sentencing.

I respectfully ask for your consideration for my good friend Jim Gatto and his family.

Sincerely,

Jennifer Zeh

A-25

Ben & Janet Burns
7125 SW Highland Ct • Wilsonville, OR 97070

December 14, 2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: James Gatto

Dear Judge Kaplan,

We are writing on behalf of our friend and neighbor Jim Gatto. We are asking you to thoughtfully consider imposing a term of probation rather than a prison sentence for Jim.

We met Jim when we first moved to Wilsonville. Our son Jack was in sixth grade and made the Select A basketball team that Jim's son, also named Jack, was on. For two years Jim was an assistant coach on our son's team and came to practices and games whenever he was in town. Jim always had both instructive and encouraging words for our son as a player. Jim nicknamed him, "Burnsie", which our son loved, especially with Jim's strong New York accent. When our boys moved to playing basketball in high school Jim no longer coached, but he made every game he could. Though my son couldn't remember any encouragement we ever yelled from the bleachers, he heard every "nice move, Burnsie" Jim ever threw at him.

Jim had the same encouraging role in our daughter's life as well. Though our daughters are one year apart in school, they hung out at each other's houses and shot hoops in front of Jim's lots of times. One summer Jim invited our daughter Sydney to join him and his daughter Grace to attend a local high school camp. Our daughter is more of a basketball player than our son and really enjoyed Jim's knowledge and love of the game, and appreciated his curiosity and encouragement in her game. At the tournament Jim introduced the girls to Damian Lillard, who is a professional basketball player with the Portland Trailblazers. It was a highlight of her life and real inspiration to her. Now that our girls are in high school together Jim often stays after his daughter's Freshman game to watch our daughter's varsity game. He even throws in an occasional, "nice work Burnsie", which she loves.

Jim's involvement and encouragement to our kids can be multiplied many times over to the kids in our community that he has coached and encouraged in sports. Even beyond basketball, as we've gotten to know Jim and his wife Rachel socially we've found them to be parents of teenagers just like us who are trying to figure out how to lead and love their children in life and faith.

Again, thank you for taking the time to read our letter and thoughtfully consider imposing probation instead of prison on Jim. As marriage and family educators, and as neighbors who are very acquainted with Jim's kids, probation would greatly effect the positive outcome for Jack and Grace during these critical teenage years. Not having Jim at home would deeply hurt them.

Sincerely,

A handwritten signature in black ink that reads "Ben Burns". The signature is written in a cursive, slightly slanted style.

Ben Burns

A handwritten signature in black ink that reads "Janet M. Burns". The signature is written in a cursive, slightly slanted style.

Janet M. Burns

A-26

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

11/19/2018

Dear Judge Kaplan,

My name is Douglas Napoli. I am a Lieutenant/Firefighter with Tualatin Valley Fire and Rescue and have worked for this Department for the past 26 years. I am married and have three boys ranging from the ages of 16-24. We have lived in Wilsonville, OR for the past 15 years.

I am writing this letter on Jim Gatto's behalf. I have known Jim for the past 14 years and we were neighbors for 13 of those 14 years.

Jim has been an incredible friend to me over all these years. He is truly one of the nicest guys I know who would give you the shirt off his back if you were in need. He has been an amazing dad to his two kids Jack and Grace. I have known his kids since Jack was four and Grace was a one year old. My two youngest boys grew up with his kids and played in the neighborhood together year-round. Jim volunteered countless hours in the classroom and as a coach of his kids' sports teams throughout the years. He is a loving father who has always been there for his kids and continues to be there for Jack as he approaches high school graduation in 2019 and Grace, who is working her way through high school as a Freshman.

Jim is also a loving husband to his wife Rachel. We have spent numerous holidays together and the love they show for each other is immeasurable. He always has put Rachel and the kids first. His commitment to family is his #1 priority. I have seen them laugh so many times together and have seen them cry together when their daughter had heart surgery last year. It was a very emotional time and the love they showed for each other was inspiring.

Throughout the past 14 years I have seen Jim at his highest and at his lowest. Obviously, this past year, has been an extremely emotional and trying time for him and his family and friends. He is looked up to in the community not only as a volunteer who gives of his time but also as a great husband, father and friend. I am asking that you show him leniency in his sentencing and that he not be incarcerated. Someone with Jim's background and history is not someone who deserves to be sent to prison in my humble opinion. I have been a LT/FF and public servant for the past 26 years and have seen and served countless individuals and Jim is not a man who deserves to be put in prison. The thought or notion of Jim being incarcerated seems inconceivable to me. The emotional and financial impact, something like that will have, would be crippling to one of the best friends I have ever had and to Rachel, Jack and Grace.

Thank you for your time and consideration,
Respectfully,

Douglas Napoli
29226 SW Costa Circle East
Wilsonville, OR 97070

Please do not hesitate to contact me with any further questions.
Cell (503)939-3579

A-27

The Honorable Lewis A. Kaplan
United State District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

11-23-18

We have been friends and neighbors with Jim Gatto and his family for over 14 years. I have had the pleasure to watch our kids grow up, root on Jack and Grace in sports and take family vacations together as well.

I have watched Jim give back to our community in many ways over the years. He is extremely generous with his time and resources and truly cares about the people here in Wilsonville. One specific instance stands out to me and represents his character best. We were at a basketball tournament when Jack was in 6th or 7th grade. His class of kids was incredibly talented and there were four teams created based upon talent. Jack was on the A team, however Jim stayed to root on the D team. One of the kids was on his own after the game and Jim went up to him, told him good game and talked to him for a while. He didn't know the young man, but I saw this kid run off to his parents when they arrived, with a smile on his face. This is one of several stories where I have personally watched caring and compassion in action from Jim.

I implore you to please grant leniency on Jim and grant him probation over incarceration. Jim has made our community a better place through countless hours of giving back and we are better with him here. He and his family have suffered enough, some of it irreparable. Grace and Jack are both in very formative years and need their dad as Rachel needs her husband. Having him not at home would negatively impact every aspect of their lives.

Thank you for your time and consideration.

Patrick Welberg

A-28

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan:

I am writing a letter on behalf of Jim Gatto. I have known him for 15 years, as Jack and my son are the same age and have played together on sports teams and been friends over the years.

The first time I met Jim he was inviting the whole 6 year old basketball team over for a team party at the end of the season. Now, typically those take place at a Chuck E Cheese type place for obvious reasons but Jim was delighted to welcome all this crazy boy energy to his house. When I said he was crazy, he said "I love the kids!" with his smile and small self-deprecating shrug.

That's the spirit that I have seen him bring to every situation where I have been involved with him. He went on numerous elementary school field trips—typically the domain of moms, but he loved doing it.

Our middle school hosts a Boys Night Out where the kids come and play rowdy games and end in a dance off and he was there the whole time, leading the dodgeball room. He's never been one to seek the spotlight or aggrandize what he does—lots of families probably didn't even know that he worked with sports stars—but he's always been at every event, pitching in and helping where he can.

Over the years I have admired Jim as a great father and wonderful family man; despite a busy travel schedule, he made time to attend events and be present. That's why it is so painful to consider that he—and his family—might have to endure the separation a prison sentence would cause. I want to ask that you consider a term of probation rather than a prison sentence. His lifetime of community service and family support shouldn't be ignored based on this issue. I ask you consider this replacement sentence, as someone who believes that Jim and his family are wonderful members of the community and he deserves an alternate punishment.

Cathie Ericson
6709 SW Landover
Wilsonville OR 97070
503-582-8736

A-29

TRACEY MORRIS

11959 Nebraska Avenue | 105 | Los Angeles, CA 90025 | traceymor@gmail.com

December 10, 2018

The Honorable Lewis A. Kaplan
United State District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Dear Judge Kaplan:

It is my sincere honor to write this letter to you on behalf of my dear friend, Jim Gatto. I've known Jimmy since 1993 when we were hired around the same time at adidas. We both worked in the Basketball Promotions department. I left the company in 2003, but have always maintained a friendship with Jimmy, for 25 years.

You will receive many letters of support describing Jimmy as a loyal, hardworking, incredibly well-liked, funny guy... and all of that is 100% true, more than what we can ever describe to you in a letter. But there is one moment with Jimmy that stands out to this day.


In June 1998, I was diagnosed with breast cancer, Stage 4 DCIS. For weeks I kept it quiet amongst the folks at adidas until it was time for surgery followed by 3 weeks off to recuperate. I'll never forget taking Jimmy aside to tell him. The thing is, I was lucky because I caught it early and was going to be okay -- just needed surgery, albeit a mastectomy, no chemo or radiation was required. After telling him, he hung his head down and was quiet. He looked up at me, choking back tears and asked me if I was going to be okay. I'll never forget the look on his face and the genuine concern he had for me. I had the surgery 6 weeks later and was in the hospital for a few days. Jimmy and his wife Rachel came to the hospital with an armful of books and magazines. That meant so much to me during a very difficult time.

Since I left adidas in 2003, if ever I needed anything from Jimmy (adidas-related), he would always come through. In 2015, I went to the Men's Final Four for business and was without a hotel room for my last night in Indianapolis. Jimmy asked two co-workers to crash in the adidas hospitality suite so I could take their room. I didn't know that was what he had done until I was leaving the hotel.

In addition to sharing these stories with you, I am also writing to ask you to please consider a term of probation for Jim. He and Rachel do not live near their extended families and I can't imagine the impact a prison sentence would have on his two young children. In the 25 years at adidas, his contribution, loyalty and sincere love for the brand has never wavered. I've had several conversations with Jim over this difficult year and he has always maintained a positive attitude, smiling when we spoke via Facetime, reassuring me, and everyone else he spoke to, that everything would be okay.

I hope you are moved by the letters written on Jim's behalf and consider our pleas for probation.

Sincerely,



TRACEY MORRIS

A-30

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

November 19, 2018

Dear Judge Kaplan,

We are writing to you regarding the anticipated March 2019 sentencing for James Gatto. We would like to express our sincere appreciation for the arduous work and challenging circumstances that you and your court face every day, and the case with Mr. Gatto is no different. This is a case with numerous variables and elements from all facets of the sports business world. We simply ask you to please consider all of the personal contributions and tireless efforts Mr. Gatto has made within his community, for his family and for his co-workers.

I am one of his former co-workers and have experienced a selfless generosity of spirit from Jim. He took time to help my children learn to dribble, made sure to inquire how their grades were coming along, encouraged them to keep trying when they met with adversity and always smiled and looked them in the eye and expected the same from them. I consider him a role model and a force of positivity for many who came into contact with him.

Our family asks that you please consider how Jim can continue his daily contribution to society & to his Family now with a term of probation.

Sincerely,

Michael & Shanda Ladinig & Family
632 Atherton Street
San Marcos, CA 92078

A-31

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

12/10/2018

Dear Judge Kaplan,

I'm writing this letter regarding Jim Gatto and his pending sentencing next March. I don't pretend to know much about sentencing or your process. However, I do hope to share a small glimpse into the kind of friend, dad & husband that I know him to be. I'm also hopeful you can see a path for Jim that allows him to receive probation and not be incarcerated.

I first met Jim right out of college when I moved to Oregon for a job with adidas as a young naïve kid. He immediately "took me under his wing" and helped me get up to speed at work and always included me in social events or gatherings. He essentially helped me find friends and to fit in and get along. A lot of times we just watched games and talked sports. That was 1996 and for the next 20+ years we've maintained a friendship no matter where we lived or our station in life.

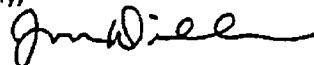
More important than anything Jim did for me was what he has done as a husband and father. I wondered if I too would have kids to coach like Jim did or get married with such a family of support always around. These are the things that make someone who they are...not a job or mistakes & miscalculations. These things in Jim's life are full and impactful. They are the true nature of a person. His family, friends and our relationship make him who I met so long ago.

As a friend, to me, Jim is the best kind. Whether we lived in the same town or across the country, he was always there. Life happened to us both, but we could always reconnect and talk sports, family, or kids. It didn't matter where I was, I knew if Jim were in town he would make the time to hang out and be there...as a friend. No judgement. Consistent. Open. Just Jimmy.

My view of these events is painful for many reasons. Mostly I'm saddened and frightened that Jim could be incarcerated. To me that is a scenario where nobody wins. Rachel and the kids have suffered immeasurably. His parents have suffered immeasurably. I know he recognizes that probation is not free and for someone who has raised such a family, coached uncountable kids, supported a small community and has been a great husband, father and son...more than probation would do exponentially more harm than good in the end.

I'm hopeful you can find a path that allows for probation. This too will allow for closure on many levels and save further pain being felt by many.

Sincerely,



Jon Dillon
Vice President – LT Apparel, Official adidas Licensee
1s538 Bayberry Lane, Wheaton, IL 60189

A-32

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Dear Judge Kaplan,

Thank you for allowing me the opportunity to speak on behalf of my friend James (Jimmy) Gatto. My name is Richard Smith and I have had a close personal relationship with Jimmy since 2001. I consider him a close friend. Jimmy was part of a group of men who grew up together in Lynbrook, New York. My brother-in-law, Morty Frank, was part of this tight knit group and when Morty was killed on September 11, 2001 Jimmy embraced me and the rest of our family. To this day Jim continues to be an integral part of my life, the lives of my wife, children and in-laws.

While tragedy brought us together, I got to know Jimmy over the years and saw his generosity first hand. Jimmy always made time to visit when in New York – he was never too busy to see the people who meant the most to him. His time with us wasn't limited to a quick phone call or coffee – on more than one occasion he attended my daughters' basketball and soccer games offering kind but coachable moments – a bigger impact than coming from their dad.

While I am several years his senior, I look to Jimmy for his insights and advice – they are wrapped in the values I consider my own. Jimmy is a person who has never forgotten where he came from and the true meaning of friendship. I am honored to call him my friend.

I would be happy to provide any additional information or insights. It would be my honor to share 17 years of meaningful stories and anecdotes that illuminate the type of man Jimmy is.

Sincerely,

Richard Smith
Rsmith@winick.com

A-33

Dear Judge Kaplan,

My name is MacKenzie Welberg and I have been next door neighbors to the Gatto family for 14 years. My family is incredibly close to theirs and we have gone on multiple vacations together. I am a year older than Jack, his oldest son, so have had the privilege of carpooling to school together every day his first two years and running into him constantly. Jack is an incredibly bright and kind young man who is always there if I ever need help taking my younger brother to or from school and extracurriculars. Growing up Jack has always been quite shy and timid, especially in new situations. On a trip to Disneyland years ago with the Gatto's, I remember this being extremely evident as we stood in line at Thunder Mountain. We had spent an hour trying to convince Jack that the ride would be fun and not dangerous, yet ended up in frustrating defeat. Jim was always there for Jack, his patience remarkable. He took time to comfort him and would always skip the scary rides to be with him. At a young age I was shown extreme selflessness because he gave up something he enjoyed for his son. It has always been obvious that the most important thing to Jim is his family.

I constantly see Jim outside of his house, walking the dog or coming and going. He never fails to say hello with a smile on his face. My boyfriend has only met Jim a few times, yet when he saw him a couple weeks ago he asked him all about how college was and how he was doing. This is the type of compassion I am talking about. My boyfriend is almost a stranger to him, and he took time out of his day to see how he was doing.

Due to my younger brother being close to Jack's age, I have grown up going to their basketball games. I don't remember a time that Jim and Rachel were not there. At my high school, basketball is a huge commitment and Jim was always there supporting his son and daughter. My friend and I even went to his daughters game last week to surprise her on a random monday night. Jim and Rachel were there cheering her on, like they usually do. We sat by them and Jim was constantly making us laugh. He has always been able to bring positivity and humor to brighten up situations, like the incredibly mismatched basketball game. I had been away at college for a long time and my friend studying abroad and he wanted to hear all about how we were both doing as well.

Judge Kaplan, I want to ask you if you can impose a term of probation rather than a prison sentence. Jim Gatto is a loving father and a genuine man of integrity. After growing up around him for most of my life, I can honestly say I do not have one bad thing to say about him. I ask you to put yourself in his shoes and those of his family. His children need their father. His daughter just started her freshman year of high school and I personally know how tough it is going through those teenage years. His son is about to graduate high school next year. That is such a major thing and he needs his dad through it all. Applying to colleges is incredibly confusing and it's even harder to leave home knowing your family is broken and struggling. I saw the damage this whole situation has done to his children and I know how devastating it will be if they have to lose him. The day this all came out, the entire high school knew. People talk and they sure are not nice about these things. Their family has already been through so much pain. I hope that you will consider this and try to imagine what it would be like if this happened to you or your family.

Respectfully,

MacKenzie Welberg

A-34

12/12/2018

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Kaplan,

I first met Jim Gatto in 1988. We were incoming freshman at Elmira College in Elmira, NY. We were both very excited to be on campus and thrilled to be playing basketball together on the college level. Our friendship grew stronger each year through college and so did the everlasting friendship between our families.

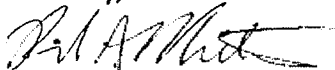
Jim and I became roommates at Elmira as well as Basketball Co-Captains for our Junior and Senior years. He was definitely the leader of our team, heart and soul. Jim led by excellent example on and off the court with hard work and a great positive attitude every day.

I'm from Elmira so Jim got to know my parents very well over those four years. He became part of our family just like another son. He's even taken time to visit with my elderly parents when he travels back to Elmira in recent years although I no longer live there. I really appreciate those visits and so do they. Jim is very selfless with his time, always has been.

Jim and I now live on opposite coasts with loving wives and young children. Our conversations are less frequent. When we do talk, he is always quick to ask how everyone is doing including my parents back in Elmira. He truly cares for our wellbeing and will always be a dear friend of mine. Jim is great person. He has very close relationships with his parents, extended family and friends.

I hope this letter helps to give some background about the complete person that Jim Gatto is. He is a great friend to many and a loving husband and father to his young family. Please keep all in mind for Jim's future.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Mustico". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard A. Mustico